

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2330**

---

**Introduced by Assembly Member Arambula**

February 19, 2010

---

An act to amend Section 14032 of, and to add Section 14033 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2330, as amended, Arambula. California Voting Rights Act of 2001.

Existing law, the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the CVRA, *and, if the voter prevails in the case, he or she may be awarded reasonable litigation costs and attorney's fees.*

This bill would require a voter to file a written claim with ~~the political subdivision~~ *a county office of education or a school district* prior to filing an action in superior court seeking enforcement of the CVRA *against those entities.* The bill would require that the claim be filed 120 days prior to the date of the election. ~~The political subdivision~~ *county office of education or the school district* would be required to respond to the claim within 30 days or the claimant would be allowed to file an action. *The bill would provide that the county office of education or the school district would not be liable for a claimant's litigation costs or*

*attorney's fees if the claim is accepted by the county office of education or the school district or if the claimant accepts alternative relief proposed by the county office of education or the school district.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The California Voting Rights Act of 2001 (CVRA) was  
4 enacted to address concerns with racial bloc voting and was  
5 intended to provide a tool to maintain a fair and open electoral  
6 system.

7 (b) Since the enactment of the CVRA, numerous districts have  
8 had their election systems challenged. While agreeing to make the  
9 changes sought, some districts have faced demands for significant  
10 legal expenses.

11 (c) During this time of unprecedented and catastrophic budget  
12 cuts, the payment of such expenses forces districts to redirect scarce  
13 resources away from the classroom and students.

14 (d) It is the intent of the Legislature to ensure the original  
15 objective of the CVRA is maintained, while ensuring that local  
16 governments are not unnecessarily burdened by legal fees and  
17 costs.

18 (e) It is the intent of the Legislature that this legislation will  
19 encourage collaboration and provide a process for reviewing and  
20 analyzing election systems to determine which electoral system  
21 will best represents local communities.

22 SEC. 2. Section 14032 of the Elections Code is amended to  
23 read:

24 14032. A voter who is a member of a protected class and who  
25 resides in a political subdivision where a violation of Sections  
26 14027 and 14028 is alleged may file an action pursuant to those  
27 sections in the superior court of the county in which the political  
28 subdivision is located. An action *against a county office of*  
29 *education or a school district* may not be brought unless the voter

1 has presented a written claim to the ~~political-subdivision~~ county  
2 office of education or the school district pursuant to Section 14033.

3 SEC. 3. Section 14033 is added to the Elections Code, to read:

4 14033. (a) Prior to bringing an action *against a county office*  
5 *of education or a school district* alleging a violation of Sections  
6 14027 and 14028, a voter must present a written claim to the  
7 ~~political-subdivision~~ county office of education or the school  
8 district not later than 120 days prior to the date of the election that  
9 is the subject of the claim and the written claim shall, at a  
10 minimum, contain all of the following:

11 (1) The name and address of the claimant.

12 (2) A description of the circumstances which gave rise to the  
13 claim

14 (3) The relief requested by the claimant.

15 (4) The signature of the claimant.

16 (b) If ~~political-subdivision~~ the county office of education or the  
17 school district does not respond to a claim presented pursuant to  
18 subdivision (a) not later than 30 days after receipt of the claim,  
19 the claimant may immediately file an action. In responding to a  
20 claim, the ~~political-subdivision~~ county office of education or the  
21 school district must notify the respondent whether it accepts the  
22 claim, rejects the claim, or proposes to resolve the claim by relief  
23 not requested by the claimant.

24 (c) If the ~~political-subdivision~~ county office of education or the  
25 school district proposes relief not requested by the claimant, the  
26 claimant must notify the ~~political-subdivision~~ county office of  
27 education or the school district whether he or she accepts or rejects  
28 the proposed relief not later than 30 days after notification of the  
29 proposed relief. *Upon notifying the county office of education or*  
30 *the school district of rejection of the proposed relief, the claimant*  
31 *may immediately file an action.*

32 (d) *If the county office of education or the school district accepts*  
33 *the claim, or the claimant accepts the relief proposed by the county*  
34 *office of education or the school district, the county office of*  
35 *education or the school district shall not be liable for any*  
36 *attorney's fees or litigation costs of claimant pursuant to Section*  
37 *14030.*

38 SEC. 4. This act is an urgency statute necessary for the  
39 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into  
2 immediate effect. The facts constituting the necessity are:  
3 In order to ensure that a less financially burdensome process for  
4 a fair and open electoral system is provided to local government  
5 agencies that are already under severe financial hardship, it is  
6 necessary that this act take effect immediately.

O